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September 18, 2012

VIA ECF

Honorable Esther Salas
United States District Judge
Martin Luther King Jr. Federal Building
50 Walnut Street
Newark, New Jersey 07102

Re: *Worthington v. Bayer Healthcare LLC*
Civil Action No. 11-2793(ES)(CLW)

Rikos v. Bayer Healthcare LLC
Civil Action No.11-3017(ES)(CLW)

Yuncker v. Bayer Healthcare LLC
Civil Action No. 11-3299(ES)(CLW)

Dear Judge Salas:

We are co-counsel for Plaintiffs in the above matters. As a follow-up to our telephone conference this afternoon, we respectfully request that the Court reinstate the complaints in the above matter in light of the dismissal of the California plaintiff's claims and her dismissal of her appeal from that decision. In light of the Court's stated intention to reinstate these actions, we withdraw our pending motions for reconsideration as unnecessary and moot.

We have also been advised by Defendant's counsel that they also intend to reactivate their motions to dismiss, since those motions included bases in addition to the first-filed rule. We respectfully suggest that if they wish to do so, that the motions be refiled and limited to issues other than the first-filed rule. At the least, that would make any additional briefing, the docket, and the Court's scheduling, less complicated. That being said, for the reasons set forth in our prior briefing, we believe that those motions are equally meritless now as they were when

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filed, and we respectfully request that the Plaintiffs be allowed to go forward with discovery with respect to their claims in the meantime.

Thank you for your continued attention to this matter. If you have any questions, we are available at the Court's convenience.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO

/s/ Lindsey H. Taylor

LINDSEY H. TAYLOR

cc: All Counsel (via ECF)